UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- -

JAMES P. MC DERMOTT, on behalf of himself and others similarly situated,

Plaintiffs

-against-

ATTORNEY GENERAL OF THE UNITED STATES; DIRECTOR OF CENTRAL INTELLIGENCE AGENCY; DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; SECRETARY OF DEFENSE; SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE; DIRECTOR OF THE NATIONAL BUREAU OF STANDARDS; DIRECTOR OF THE NATIONAL SECURITY AGENCY; SECRETARY OF STATE; SECRETARY OF THE TREASURY; DEPARTMENT OF JUSTICE; UNITED STATES POSTAL SERVICE; VETERANS ADMINISTRATION; THE UNITED STATES OF AMERICA; JIMMY CARTER; GRIFFIN BELL; JOSEPH CALIFANO; ROBERT B. FISKE, JR.; CYRUS R. VANCE; WILLIAM BOLGER; RICHARD L. ROUDEBUSH; JAMES C. CRUTCHER; ALLEN LEE REYNOLDS; PAUL NUGENT; J.J. BRENNAR; ANDREW V. SCHALLY; ROSALYN S. YALOW; ESTATE OF SOLOMON A. BERSON; UNKNOWN PAST AND PRESENT OFFICERS AND AGENTS OF THE UNITED STATES;

EUGENE STRAUS; FRANK LOVELOCK; DANIEL STONE; HUGH BARBER; WILLIE; MILLER; GUTHORN; SCHMOCKER; JOFFEE; JACOBSON: M. KOHN; J.M. TORRES; W.J. JACOBS; SOLOMON A. BERSON ESTATE; BURKE; WALD; D. Cohen; C.S. BERGMANN; JOSEPH TEDESCO; STUMP; ALPERT; OPPENHEIMER; A.M.

KLEINMAN; JULIUS WOLF; HONIGMAN; OVITZ; HOWARD FREIDMAN; LAWRENCE FEINMAN; HENRY D. JANOWITZ; MARK A. KORSTEN; CHARLES S. LIEBER; S. MATSUZKI; HERBERT G. ROSE; MARTIN AMES; MORTON KARMIOL; MILTON DREXLER; LESTER CLAHR; S.A. SCHWARTZ; P.M. FIANDUCA; TOLAND; D. KRONGOLD; W. ABLES; A. MERKER; K.H. MAC GREGOR; UNKNOWN PAST AND PRESENT V.A. PHYSICIANS and J.M. STANCIL OF THE BOARD OF VETERANS APPEALS; "JOHN DOE" V.A. AGENTS; M. BIAGGI; J. BINGHAM; D.P. MOYNIHAN; J. JAVITS; H. BADILLO; UNKNOWN PAST AND PRESENT CONGRESSMEN OF THE UNITED STATES; JAMES V. JELLISON; FRANK VIOLA; UNKNOWN PAST AND PRESENT OFFICERS AND AGENTS OF THE U.S. POSTAL SERVICE; DISABLED AMERICAN VETERANS; PAUL THOMSON; JOHN REGAN; WILFRED PUENTES ESTATE; JAMES M. WATERS; CHARLES MC LEOD; UNKNOWN PAST AND PRESENT DAY OFFICERS; FELIX S. BLOCH; LUIS I. SHIPP; DONALD T. FARLEY; ARTHUR P. WAGNER; UNKNOWN PAST AND PRESENT CONSULAR OFFICIALS OF THE UNITED STATES; CITY OF NEW YORK; ABRAHAM BEAM; EDWARD KOCH; POLICE DEPARTMENT OF THE CITY OF NEW YORK; ROBERT MC GUIRE; UNKNOWN PAST AND PRESENT OFFICERS OF THE POLICE DEPARTMENT; ENVIRONMENTAL PROTECTION AGENCY; DEPARTMENT OF SANITATION OF THE CITY OF NEW YORK; NORMAN STEISAL; AARON YALOW; UNKNOWN PAST AND PRESENT OFFICERS OF EPA AND THE DEPARTMENT OF SANITATION; DEPARTMENT OF RENT AND HOUSING MAINTENANCE; OFFICE OF RENT CONTROL; DANIEL W. JOY; ROVERT ZITNER; ELI SHUB; DEPARTMENT OF INVESTIGATIONS; MONICA BLUM; NICHOLAS SCOPPETTA; DIVISION OF VETERANS AFFAIRS; ROBERT J. DE SANCTIS; WILSON; BOARD OF ELECTIONS; ALICE SACHS; BEATRICE BERGER; HAROLD FALEK; ANGELO

DEMARCO; SANFORD GARELICK; ANTHONY BOUZA; BURTON ROBERTS; "JOHN DOES" OF THE CITY OF NEW YORK; BOARD OF HIGHER EDUCATION; ROBERT J. KIBBEE; JACQUELINE WEXLER; THOMAS C. CHALMERS; LEONARD LIEF; RICHARD M. HUBER; BERNARD J. BULKIN; BERNICE H. FLEISS; DAVID L. BEVERIDGE; JOSEPH DANNENBERG; CHARLES E. HECHT; KLAUS GROHMANN; LOUIS MASSA; JACK HERZ; PETER J. CAWS; HENRY D. JANOWITZ; E. STONE; S. COSTELLO; UNKNOWN PAST AND PRESENT OFFICERS AND AGENTS OF THE BOARD OF HIGHER EDUCATION THE STATE OF NEW YORK; the GOVERNOR; the SECRETARY OF STATE; ROBERT ABRAMS; the ATTORNEY GENERAL; THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK; REPUBLIC OF SWEDEN; CONSUL GENERAL OF SWEDEN; KAROLINSKA INSTITUTE; NOBEL PRIZE TRUSTEES; UNKNOWN PAST AND PRESENT AGENTS OF THE NOBEL PRIZE COMMITTEE; GOVERNMENT SAVINGS AND LOAN; ARTHUR J. PHELAN, JR.; TERRY SULLIVAN; CITIBANK, NA; WALTER B. WRISTON; CITIBANK, NA BOARD OF TRUSTEES; CITICORP; BANCO POPULAR DE PUERTO RICO; EDGARDO N. VASQUEZ; RAMON FELICIANO; CONSOLIDATED EDISON CO., N.Y.; CHARLES L. LUCE; JOHN SAWHILL; GEORGE J. DELANEY; UNKNOWN PAST AND PRESENT OFFICERS AND AGENTS OF CON EDISON; ANN-GUR REALTY CORPORATION; MARVIN YASGUR; IRVING YASGUR; HAROLD DIAMOND; VICTOR "DOE" AND UNKNOWN PAST AND PRESENT AGENTS OF YASGUR ET AL.; BRONX-LEBANON HOSPITAL CENTER; FRED SILVERMAN; SCHAFFLER; UNKNOWN PAST AND PRESENT OFFICERS: MONTEFIORE HOSPITAL AND MEDICAL CENTER; MARTIN CHERKASKY; MARY ANNE MULLEN AND UNKNOWN PAST AND PRESENT OFFICERS AND AGENTS; ROCKEFELLER UNIVERSITY HOSPITAL; ATTALLAH KAPAS; NUALLAH AND UNKNOWN PAST AND PRESENT OFFICERS; MEMORIAL HOSPITAL

FOR CANCER AND ALLIED DISEASES; GLENN A. WASSELMANN; MILDRED SKLENA; NEW YORK UNIVERSITY; BOARD OF TRUSTESS; JOHN M. SCHIFF; IVAN L. BENNETT; LYLE BORST; JAMES M. HESTER; ALBERT AND MARY LASKER FOUNDATION; MICHAEL DEBAKEY; BOARD OF TRUSTEES OF LASKER FOUNDATION; MARY LASKER; Defendants

B5

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the twentieth day of November, one thousand nine hundred and eighty-one,

Present: HONORABLE J. EDWARD LUMBARD,
HONORABLE JON O. NEWMAN,
Circuit Judges.

HONORABLE ROBERT C. ZAMPANO,
District Judge.

- -x

JAMES P. MC DERMOTT
Plaintiff-Appellant,

v.

ATTORNEY GENERAL OF THE UNITED STATES, ET AL.,
Defendants-Appellees.

- -X

81-6041

O R D E R

James P. McDermott appeals from a judgment entered December 15, 1980, in the District Court for the Southern District of New York (Lloyd F. McMahon, Chief Judge), dismissing his complaint pursuant to Fed. R. Civ. P. 12(b)(6) because of a total failure to comply with the requirement of Fed. R. Civ. P. 8(a) that the complaint set forth a short and plain statement showing that the pleader is entitled to relief. The complaint contains more than 60 pages describing an assortment of alleged grievances against scores of officials from Veterans' Hospital personnel to the President of the United States and covering a time span from the 1940's to 1977. Among the grievances is the award of a Nobel prize in medicine to three staff members at a Veterans Hospital. Despite the latitude

accorded to pro se litigants, we agree with Chief Judge MacMahon that this complaint exceeds even generous limits for the type of document appropriate to commence a lawsuit in a federal district court.

The judgment dismissing the complaint is affirmed.

/s/ J. Edward Lumbard
Circuit Judge

/s/ Jon O. Newman
Circuit Judge

/s/ Robert C. Zampano
District Judge

N.B. Since this statement does not constitute a formal opinion of this court and is not uniformly available to all parties, it shall not be reported, cited or otherwise used in unrelated cases before this or any other court.

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

- X

JAMES P. MC DERMOTT, on the behalf of himself and others similarly situated,
Plaintiffs-appellants,

-v-

ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA and the defendants named on the appended rider,
Defendants-appellees, - - X

CLASS ACTION

Docket Number: 81-6041

Judges: J. EDWARD LUMBARD,
JON O. NEWMAN,
Circuit Judges;

ROBERT C. ZAMPANO,
District Judge.

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

Notice is hereby given that JAMES P. MC DERMOTT, plaintiff-appellant above-named, appeals to the Supreme Court of the United States from the final decision and order of the United States Court of Appeals for the

Second Circuit dismissing his Petition for Rehearing on January 28, 1982, which affirms in part the original decision and order of Chief Judge of the U.S.D.S. (S.D.N.Y.) entered December 5, 1980 followed by the judgement entered on December 15, 1980 (80 CIV 2076).

This appeal is taken pursuant to provisions of the United States Code (U.S.C.) including, but not limited to, any of the following sections of Title 28: 1251 (a)(2), 1251 (b)(1), 1252, 1254 (1), 1254 (2) and 1254 (3), respectively.

22th day of February, 1982.

Notice to:

(as per attached schedule)

Signed /s/ James P. McDermott

Address James P. McDermott
1774 Eastburn Avenue
Bronx, New York 10457

D10

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

As a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the twenty-eighth day of January, one thousand and nine hundred and eighty [two].

Present: HONORABLE J. EDWARD LUMBARD
HONORABLE JON O. NEWMAN,
Circuit Judges.

HONORABLE ROBERT C. ZAMPANO,
District Judge.

- -X

JAMES P. MC DERMOTT,

Plaintiff-Appellant,

v.

ATTORNEY GENERAL OF THE UNITED STATES, et al.,

Defendants-Appellees.

- -X

81-6041

A petition for a rehearing having been filed herein by appellant, James P. McDermott, pro -se,

Upon consideration thereof, it is

Ordered that said petition be and it hereby is DENIED.

/s/ A. Daniel Fusaro
A. DANIEL FUSARO
Clerk

/s/ by Francis X. Gindhart
Chief Deputy Clerk

JAMES P. McDERMOTT v. ATTORNEY GENERAL OF THE UNITED STATES, et al.
80 Civ. 2076 (LFM) (Pro Se)

ENDORSEMENT

Plaintiff, proceeding pro se, moves under Rule 11(c), Fed. R. App. P., for an order directing the clerk of our court to temporarily retain the record of this case, which is now on appeal before the Court of Appeals, in the district court. We deny the motion.

Plaintiff fails to provide the court with any reason why this record should be temporarily retained in our court. Assuming plaintiff presumes that transmission of the record would inconvenience him in preparing his case for appeal, we inform him that the Court of Appeals is located within the same building as the district court. Hence, since we are unable to ascertain any reason

for retaining the record of this case in the district court, we deny the motion.

Motion denied.

So ordered.

Dated: New York, New York
January 30, 1981

/s/ Lloyd F. MacMahon
LLOYD F. MacMAHON
Chief Judge

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JAMES P. MC DERMOTT,
Plaintiff-Appellant

v.

ATTORNEY GENERAL OF THE UNITED STATES, et al.,
Defendants-Appellees.

Docket Number: 81-6041

NOTION OF MOTION
for CORRECTION OR MODIFICATION
OF THE RECORD UNDER RULE 10(e)
Fed. R. App. P.

MOTION BY:

James P. McDermott
1774 Eastburn Avenue
Bronx, New York 10457

Judge or Agency whose order is being appealed:

Lloyd F. MacMahon, S.D.N.Y.

Brief statement of the relief requested:

Correction or modification of the record is requested under rule 10(e) Fed. R. App. P. amending the District Court docket sheet, amending the District

Court listing or index of the record transmitted reasonably designating the full record.

Previous requests for similar relief and disposition:

None.

Statement of the issue(s) presented by this motion:

Whether the Court of Appeals should exercise its discretion to make the record conform to the truth as to whether the record truly discloses what occurred in the District Court.

Brief statement of the facts (with page references to the moving papers):

The record transmitted is not complete for purposes of appeal and the entire District Court docket sheet is a misstatement under Rule 79(a) Fed. R.

Civ. P. and the index of documents transmitted to the Court of Appeals propagates all the errors of the docket sheet; it is not practicable to state the differences until gross amendments are made in the record by the District Court.

Summary of the argument (with page references to the moving papers):

Rule 79(a) Fed. R. Civ. P. requires that docket entries be made in chronological order and in an orderly manner. Since the plaintiff pro se must include in the record to Court of Appeals all of the record upon which the District Court may have based its findings and since a frivolous dismissal does not positively state findings the record therefore needs to be amended. Furthermore, the

chedule of plaintiff's documents filed in the District Court is annexed hereto.

February 28, 1981
Date

/s/ James P. McDermott
Attorney for JAMES P. McDERMOTT

ORDER

IT IS HEREBY ORDERED that the motion for correction of the record on appeal be and it hereby is denied

/s/ Amalya L. Kearse
AMALYA L. KEARSE
Circuit Judge

March 13, 1981
Date

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

- -X

JAMES P. McDERMOTT,
Plaintiff-Appellant,

v.

ATTORNEY GENERAL OF THE UNITED STATES, et al.,
Defendants-Appellees

- -X

CLASS ACTION

81 6041

State of New York)
) ss:
County of New York)

JAMES P. McDERMOTT, being duly sworn, says:

1. Affiant is the plaintiff pro se herein and his brief is due on or before 3-11/81.

2. Affient's complaint was suddenly dismissed as "frivolous" on December 5, 1980 after an undue delay of about 230 days without reasonable explanation of the manner in which

conclusions were reached and without specifically defining the facts relied upon. And, there was apparently no substantial inquiry into the relevant facts while the authorities cited were not even remotely related to the plaintiff's case.

3. Subsequent to December 5, 1980 the plaintiff's documents came down from chambers to the document file (Room 10) in such a manner as to cause the clerks to make erroneous entries on the docket sheet, including, without limitation, the following:

(a) About twenty records are assigned an erroneous date of entry as "12-5-80."

(b) About thirteen records have apparently not been assigned any entry number ("NR").

4. The docket sheets of the district court are herein designated as exhibit "U" (copy annexed).

5. The list or "Index" to the record on appeal is herein designated as exhibit "V" (annexed). Erroneous entries on the index were carried over from the erroneous docket sheet, including, without limitation, the following:

(a) About fifteen entries with the erroneous date of entry "12-5/80."

(b) Numerous entries are not even dated.

6. The preliminary schedule of the plaintiff's documents as made up from the receipted copies of his filings is herein designated as exhibit "W" (copy annexed). Apparently, the plaintiff filed over thirty

documents with the court.

7. Clearly the record transmitted is not complete for purposes of the appeal.

8. Clearly the index or list of documents transmitted is not identified with reasonable definiteness pursuant to Rule 11(b), Fed. R. App. P.

9. Clearly the entire district court docket sheet is a misstatement under Rule 79.(a), Fed. R. Civ. P.

10. Clearly it is not practicable to to stipulate the differences under Rule 10(e) Fed. R. App. P. and it would require an inordinate amount of time and effort on the part of the plaintiff causing a delay in the appeal.

WHEREFORE the plaintiff prays that the Court of Appeals will direct the clerks of the district court to

1) amend the district court docket sheet in conformity with a public record andplaintiff's exhibit "W";

2) issue a supplemental record; and

3) amend the listing or index of the record as transmitted in conformity with the amended docket sheet and the schedule of plaintiff's filings in exhibit W.

Dated: February 28, 1981

/s/ James P. McDermott

JAMES P. McDERMOTT
1774 Eastburn Avenue
Bronx, N.Y. 10457

Subscribed and sworn before me on the 2nd day of March, 1981

/s/ Bernard P. Rose

BERNARD P. ROSE
NOTARY PUBLIC, State of New York
No. 41-8639225
Qualified in Queens County
Commission Expires March 30, 1984.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

- -X

JAMES P. MC DERMOTT,
Plaintiff-appellant :

-v- :

ATTORNEY GENERAL OF THE UNITED STATES, ET AL., :
Defendants-appellees. :

- -X

Docket No. 81-6041

NOTICE OF MOTION FOR CERTIFICATION UNDER 28 U.S.C., 2403(a), 2403(b), RULE 44, FED. R. APP. P., OF CONSTITUTIONAL QUESTIONS

Brief statement of the relief requested:

Appellant pro se requests certification of constitutional questions under 28 U.S.C., Sec. 2403(b), Rule 44, Fed. R. App. P. and 28 U.S.C. 2403(b) to the Attorneys General of the United States and of New York State.

Previous requests for similar relief and disposition:

Aborted notice filed February 20,

1981.

Statement of the issue(s) presented by this motion:

Whether the Clerk of the Court of Appeals should certify to the Attorneys General of the United States and the State of New York that the appellant will draw into question in this appeal the constitutionality of issues and statutes affecting public interest in the matter of human rights violations, human experimentation and subversion by public officers.

Brief statement of the facts (with page references to the moving papers):

Plaintiff was subjected to unwarranted, mindless surgical procedure putting the quest for knowledge before the benefit to plaintiff or wisdom. Less than ten (10) years later, in order to increase the skills of

surgeons, a Mr. G. Christopher was subjected to the same procedure with different motive. It is requested that there be judicial notice of Christopher. [Christopher v. U.S. 237 F. Supp. 787 (1965)] and the remarkable similarities with plaintiff's history excepting different morbidities of paraplegia and ulcerative colitis (at p. "7").

Summary of the argument: The maxim "Ubi jus ibi remedium" states wherever there has been an outrage there must be a remedy to redress the wrong (at p. "4"). Personal security is the absolute right to the uninterrupted enjoyment of life and limbs, body, health, treatment and reputation. Absolute personal liberty braces more than freedom from physical restraint but is deemed to embrace the right to be free to the

enjoyment of the faculties with which he has been endowed by his Creator (at p. "6").

February 28, 1981
Date

/s/ James P. McDermott
Attorney for JAMES P. MC DERMOTT

ORDER

IT IS HEREBY ORDERED that the motion for certification of constitutional questions be and it hereby is DENIED

/s/ Amalya L. Kearse
Circuit Judge

Alk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

JAMES P. McDERMOTT,

Plaintiff,

-against-

ATTORNEY GENERAL OF THE UNITED STATES, et al.,

Defendants.

----------x

MEMORANDUM and ORDER
80 Civ. 2076 (LFM)

MacMAHON, Chief Judge.

Plaintiff, acting pro se, brings suit against some 200 named defendants, including the Attorney General of the United States, President Carter, certain Secretaries of State, Treasury, Education and Welfare; various federal and local agencies, and sundry public officials, institutions and organizations. Plaintiff seeks, inter alia, injunctive relief, money damages of $30,000,000

and an order revoking the 1977 Nobel Prize in medicine and physiology. Several defendants have moved under Fed. R. Civ. P. 12(b)(6) to dismiss the complaint for failure to state a claim upon which relief may be granted.

Fed. R. Civ. P. 8(a) requires that a complaint set forth a "short and plain statement showing that the pleader is entitled to relief." The rule calls for pleadings which permit the court and the defendants to discern what the complaint charges and who is being charged, so that the issues may be identified for meaningful discovery and intelligible presentation to the trier of fact. Karlinsky v. New York Racing Ass'n, Inc., 310 F.Supp. 937, 939-40 (S.D.N.Y. 1970).

Complaints which do not comply with this rule are subject to dismissal

under Fed/ R. Civ. P. 12(b)(6). Karlinsky, supra; 2A Moore's Federal Practice 8.13 at 8-121 to 8-127.

Dismissal clearly is required here. The complaint broadly asserts that "[d]efendants have conceived and implemented a plan and actions which violated the plaintiff's constitutional and civil rights." Complaint at 2. After 16 pages devoted principally to a listing of the parties, plaintiff presents a fifty-page narrative under the heading of "The Facts" which purports to state his allegations. This prolix statement is a frivolous biographical account, interspersed with a variety of scientific and historical information, jumbled together willy-nilly and without benefit of any order. Many defendants are never mentioned, and those

who are mentioned have only an incidental involvement in the events chronicled.

Despite plaintiff's verbosity, we are unable to ascertain any claim upon which relief may be granted, other than a broad allegation of an undefined conspiracy. Moreover, we cannot identify the relevance of any of the 26 statutes which the plaintiff pleads, or which of those statutes has been allegedly violated by any individual defendant. The universality of plaintiff's complaint, and ergo its frivolousness, is indicated by plaintiff's statement that "it is better to state what the plaintiff has not claimed rather than re-state the pleading." Plaintiff's Memorandum of Law in Opposition to Defendant's Motion

[To Dismiss the Complaint] at 2.

Although pro se complaints must be accorded a liberal and sympathetic reading by the court, Haines v. Kerner, 404 U.S. 519 520-21 (1972), the limits of the mandate are reached when neither the Court nor the defendants can even vaguely discern any basis for granting the plaintiff the relief which he has requested. In view of the nature and content of plaintiff's complaint, we grant defendants' motions to dismiss the complaint in all respects, Prezzi v. Schelter, 469 F.2d 691 (2d Cir. 1972), cert. denied, 411 U.S. 935 (1973), and also dismiss the complaint as frivolous with respect to all defendants. 28 U.S.C. 1915(d).

All other motions are dismissed as moot.

We further certify that any appeal from this order in forma pauperis would not be taken in good faith since an appeal would be frivolous. 28 U.S.C. 1915(a); Coppedge v. United States, 369 U.S. 438 (1962).

So ordered.

Dated: December 3, 1980.

/s/ Lloyd F. MacMahon

LLOYD F. MacMAHON
Chief Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES P. McDERMOTT,

Plaintiff,

-against-

ATTORNEY GENERAL OF THE UNITED STATES, et al.,

Defendants.

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80 CIVIL 2076 (LFM)

JUDGMENT

Several defendants having moved pursuant to Rule 12(b)(6), of the Federal Rules of Civil Procedure to dismiss the complaint, and the said motion having come before the Honorable Lloyd F. MacMahon, Chief Judge, U.S.D.C., and the Court thereafter on December 5, 1980, having handed down its memorandum and order granting the said motion and dismissing the complaint as frivolous with respect to all defendants, it is,

ORDERED, ADJUDGED AND DECREED: That the complaint be and it is hereby dismissed as frivolous, and it is further,

ORDERED: That all other motions are dismissed as moot.

Dated: New York, N.Y.
December 15, 1980

/s/ Raymond F. Burghardt
Clerk